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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,461	10/17/2001	Douglas A. Johnson	00,284	5905

32423 7590 08/01/2005

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/981,461

**Applicant(s)**

JOHNSON, DOUGLAS A.

**Examiner**

Quoc D. Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33-36 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Nolting et al (6,385,301).

Consider claim 33, Nolting et al '301 teach a process for analyzing telecommunication network traffic (col. 4 lines 59-65) comprising the steps of: accessing first and second call processing platforms (col. 5 lines 4-6; col. 13 lines 23-51); copying a call detail record for each call processed by each of said first and second platform (col. 5 lines 4-6, lines 47 – col. 6 line 2; col. 13 lines 53-67); sorting the call detail records by platform (col. 29 lines 9-10); extracting a selected set of call parameters from each call detail record (col. 5 lines 28-34; col. 6 lines 35-36); aggregating said selected set of call parameters of said first and second platforms at interval (col. 7 lines 49-63; col. 19 lines 18-37; col. 25 lines 11-35); and analyzing said call parameters of said first and second platforms for network-traffic management purposes (col. 2 lines 31-40; col. 21 line 26 – col. 22 line 5).

Consider claim 34, Nolting et al '301 suggested a process wherein said extracting step includes the step of: extracting a duration of each call (col. 7 lines 64-67); extracting an hour of

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day during which each call occurred (col. 19 lines 18-36); extracting a date on which each call occurred (col. 19 lines 18-36; col. 20 lines 27-36).

Consider claim 35, Nolting et al '301 teach aggregating step includes the step of: summing the total duration of all calls made during each hour of each day (col. 25 lines 11-35).

Consider claim 36, Nolting et al '301 teach aggregating step includes the step of: summing the total number of calls made during each hour of each day (col. 25 lines 11-35).

Consider claim 39, Nolting et al '301 teach the process comprising determining the impact of projected traffic from a future customer on one of said first and second platforms (col. 2 lines 30-40; col. 4 lines 47-51).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,385,301) in view of Nolting et al (6,298,123).

Consider claim 21, Nolting et al '301 teach a process for analyzing telecommunication network traffic (col. 4 lines 59-65) comprising the steps of: accessing a call processing platform (col. 5 lines 4-6); (b) copying a call detail record for each call processed by said call processing platform (col. 5 lines 4-6, lines 47 – col. 6 line 2); sorting the call detail records (col. 29 lines 3-29); extracting a selected set of call parameters from said call detail record (col. 5 lines 28-34;

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col. 6 lines 35-36); aggregating said parameters at intervals (col. 5 lines 4-14, lines 28-40; col. 7 lines 49-63; col. 25 lines 11-35).

Nolting et al '301 suggest of analyzing the parameters of collected management data for a particular study of interest. However, Nolting et al '301 did not specifically suggest of comparing said parameters with a projected change in customer traffic; and forecasting one of (i) network resources required and (ii) cost effectiveness based on said comparison. However, Nolting et al '123 suggested such (col. 10 lines 35-43).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Nolting et al '123 into view of Nolting et al '301 in order to better manage the network.

Consider claim 22, Nolting et al '301 teach extracting step comprises extracting a duration of each call (col. 7 lines 64-67).

Consider claim 23, Nolting et al '301 teach extracting step includes the step of: extracting an hour of day during which each call occurred (col. 19 lines 18-36).

Consider claim 24, Nolting et al '301 teach extracting step includes the step of: extracting a date on which each call occurred (col. 19 lines 18-36; col. 20 lines 27-36).

Consider claim 25, Nolting et al '301 teach aggregating step includes the step of: summing the total duration of all calls made during each hour of each day (col. 25 lines 11-35).

Consider claim 26, Nolting et al '301 teach aggregating step includes the step of: summing the total number of calls made during each hour of each day (col. 25 lines 11-35).

Consider claim 27, Nolting et al '301 teach the process comprising detecting a maximum aggregated duration of calls with in an hour for a selected day (col. 29 lines 5-7).

Consider claim 28, Nolting et al '301 teach accessing a second call processing platforms (col. 5 lines 4-6; col. 13 lines 23-51); copying a call detail record for each call processed by said second platform (col. 5 lines 4-6, lines 47 – col. 6 line 2; col. 13 lines 53-67); sorting the call detail record of said second platform (col. 29 lines 9-10); extracting a selected set of call parameters from said call detail record of said second platform (col. 5 lines 28-34; col. 6 lines 35-36); and aggregating said parameters of said second platforms at interval (col. 7 lines 49-63; col. 19 lines 18-37; col. 25 lines 11-35).

Consider claim 31, Nolting et al '301 teach the process comprising determining the impact of projected traffic from a future customer on one of said first and second platforms (col. 2 lines 30-40; col. 4 lines 47-51).

5. Claims 29-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,385,301) in view of Nolting et al (6,298,123) and further in view of Berg (5,872,911).

Consider claim 29, Nolting et al '301 teach a process comprising graphically plotting the selected call parameters (col. 18 lines 1-7; col. 22 lines 65-67). Nolting et al failed to suggest comparing traffic capacity differences between the first and second platform using the graphical plots. However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic between the network elements.

Consider claim 30, Nolting et al '301 teach a process comprising generating a table of the selected call parameters (col. 18 lines 1-7; col. 22 lines 65-67). Nolting et al failed to suggest

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comparing traffic capacity differences between the first and second platform using the table.

However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic between the network elements.

Consider claim 32, Nolting et al '123 teach the process comprising forecasting the adequacy of the network equipment based on the call parameters (col. 4 lines 53-58). Nolting et al failed to suggest comparing selected call parameters between the first and second platforms to forecast. However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic and to manage network capacity.

6. Claims 37-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,385,301) in view of Berg (5,872,911).

Consider claim 37, Nolting et al '301 teach a process comprising graphically plotting the selected call parameters (col. 18 lines 1-7; col. 22 lines 65-67). Nolting et al failed to suggest comparing traffic capacity differences between the first and second platform using the graphical plots. However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic between the network elements.

Consider claim 38, Nolting et al '301 teach a process comprising generating a table of the selected call parameters (col. 18 lines 1-7; col. 22 lines 65-67). Nolting et al failed to suggest comparing traffic capacity differences between the first and second platform using the table. However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic between the network elements.

Consider claim 40, Nolting et al '123 teach the process comprising forecasting the adequacy of the network equipment based on the call parameters (col. 4 lines 53-58). Nolting et al failed to suggest comparing selected call parameters between the first and second platforms to forecast. However, Berg suggested such (col. 7 lines 18-26). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Berg into view of Nolting et al in order to determine the impact of traffic and to manage network capacity.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 21-32 and 34-40 have been considered but are moot in view of the new ground(s) of rejection.
8. In response to applicant's argument with respect to independent claim 33 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., forecasting future impact and determine cost effectiveness based on comparison of traffic parameters between first and second platforms) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations



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from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window

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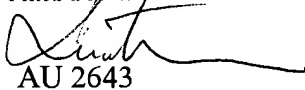
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

**QUOCTRAN**  
**PRIMARY EXAMINER**



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July 28, 2005